

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF  
MELINDA NICHOLS,

Appellant,

V.

KING COUNTY,

Respondent.

PCHB No. 79-185

FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

This matter, the appeal from the denial of an application for a flood control zone permit, came before the Pollution Control Hearings Board, Nat W. Washington, Chairman, Chris Smith, and David Akana (presiding) at a formal hearing on March 13, 1980, in Seattle.

Appellant was represented by her husband, Clifford Nichols;  
respondent was represented by Ann Bradley, deputy prosecuting attorney.

Having heard the testimony, having examined the exhibits, and having considered the contentions of the parties, the Board makes these

1 FINDINGS OF FACT

2 I

3 Appellant purchased a parcel of property on the Middle Fork of the  
4 Snoqualmie River one mile north and east of North Bend on 428th Avenue  
5 SE in King County. It was and is appellant's intent to use the  
6 property for a building site by placing landfill on it and locating a  
7 mobile home on the fill.

8 II

9 The property lies within the flood plain of the Middle Fork of the  
10 Snoqualmie River in Flood Control Zone No. 5. In 1976, King County  
11 was delegated the authority to administer the flood control zone at  
12 appellant's proposed building site. In 1979, appellant applied for a  
13 flood control zone permit for the intended fill and mobile home from  
14 King County.

15 III

16 After studying the location of the site on a flood plain map  
17 produced by the U.S. Department of Housing and Urban Development and  
18 after studying the elevation of the site with respect to the 100 year  
19 floodway of the Middle Fork of the Snoqualmie River, the County  
20 determined that the site was located within the 100 year floodway of  
21 that river. Appellant's application was denied from which followed  
22 this appeal.

23 IV

24 Appellant's mobile home is intended for a permanent residence and  
25 the site is located within the 100 year floodway of the Middle Fork of  
26 the Snoqualmie River.

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V

Appellant believes that many homes located near the subject site, and similarly situated, have been constructed in recent years without receiving a flood control zone permit. Since it has administered the permit program, King County has not issued a permit for permanent residences in the river's 100 year floodway. However, the County would allow temporary structures within the 100 year floodway between April and September of each year.

VI

Any Conclusion of Law which should be deemed a Finding of Fact is hereby adopted as such.

From these Findings the Board comes to these

CONCLUSIONS OF LAW

I

The subject site is within the "floodway" as defined in WAC 508-60-010(2) and established by WAC 508-60-030. As such, a permit must be secured for any "works or structures" in accordance with WAC 508-60-040. The provision requires that the structures or works (1) are designed so as not to be appreciably damaged by flood waters, (2) shall be firmly anchored or affixed to the ground, (3) will not adversely influence the regimen of any body of water, and (4) are not designed for human habitation of a permanent nature or is a use associated with high flood damage potential.

The proposed landfill and mobile home are designed for habitation of a permanent nature. Therefore, the proposed structure and work do not comply with WAC 508-60-040. Accordingly, King County's denial of

1 the permit application should be affirmed.

2 II

3 Any Finding of Fact which should be deemed a Conclusion of Law is  
4 hereby adopted as such.

5 From these Conclusions the Board enters this

6 ORDER

7 King County's action denying a flood control zone permit to  
8 Melinda Nichols is affirmed.

9 DONE at Lacey, Washington, this 5<sup>th</sup> day of April, 1980.

10 POLLUTION CONTROL HEARINGS BOARD

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12   
13 NAT W. WASHINGTON, Chairman

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15   
16 DAVID AKANA, Member